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Held at Headquarters, New York,
on Friday, 26 January 1996, at 10 a.m.

Chairperson: Ms. CORTI

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The meeting was called to order at 10.20 a.m.

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES UNDER ARTICLE 18 OF THE CONVENTION (continued)

Second periodic report of Belgium (continued) (CEDAW/C/BEL/2)

1. At the invitation of the Chairperson, Mrs. Franken, Mrs. de Wiest, Mrs. Paternottre and Mr. Reyn (Belgium) took places at the Committee table.

2. Mr. REYN (Belgium) said that the report currently before the Committee needed to be updated to reflect the changes that had taken place since its submission. A supplement was therefore being distributed to the members of the Committee. Following the constitutional reforms of 1994, Belgium's new power-sharing structure was based on the devolution of authority rationae materiae and rationae loci from the federal Government to communities and regions. The latter were not subordinate to the federal Government in the areas of jurisdiction, but were free to pursue their own policies. In general, the communities had jurisdiction in the cultural and social spheres. However, in a number of areas, their jurisdiction overlapped with that of the national Government.

3. Mrs. PATERNOTTRE (Belgium) said that Belgium gave top priority to equality of opportunities. Accordingly, the Federal Minister for Employment and Labour was the minister responsible for equal opportunities policy, and the Flemish and French communities each had a woman minister responsible for that policy. Belgium had been pursuing affirmative action for a very long time, not only at the national level but also in the context of the European Union. It had ratified many international instruments in the area of equality, equal opportunities and advancement of women. While specific action was necessary on certain issues, it had been realized that overall action to change mentalities was also required. Much had been accomplished in the area of violence against women, to which her country attached considerable importance. In recent years, two royal ordinances aimed at combating sexual harassment in the workplace and a law against traffic in persons had been passed. Moreover, a series of measures against violence in general had been adopted, geared towards both victims and perpetrators. Assistance and shelter were provided to victims of violence and information on violence was disseminated to the general public.

4. The authorities were also continuing their work on the problem of equality in employment. While some legislation was already in place in that regard, measures still had to be taken in the areas of equal remuneration and equal treatment. Activities undertaken in that respect ranged from an international conference which Belgium had organized while occupying the Presidency of the European Union to the preparation of a handbook for persons working in the area of job classification and consciousness-raising campaigns.

5. Another area on which Belgium had been working for several years was that of women and power-sharing. In that regard, as a result of the adoption in 1994 of a law on minimum participation according to gender in electoral lists, the percentage of women in some assemblies had doubled. Another law had been passed

in 1990 on the submission of candidacies to advisory bodies to ensure that those bodies achieved a better balance in their membership at the federal level. Work with respect to women and the media focused on changing mentalities, overcoming stereotypes, disseminating information and organizing public awareness campaigns. In the French community, a decree had been promulgated requiring that the names of occupations be given in both the male and female forms.

6. Preparations for Belgium's participation in the Fourth World Conference on Women had been conducted by a preparatory committee composed of representatives of federal, community and regional ministries, non-governmental organizations and trade unions. The Committee had prepared a national report, disseminated information on the Conference and made recommendations to the Government as to the position which Belgium should adopt at Beijing. The Belgian delegation had played a very active role at the Conference in the context of the European Union. It had been represented by several ministers and by Queen Fabiola, who had attended both as an expert on rural women and in her personal capacity, because of her interest in efforts to combat the traffic in persons. As head of the Belgian delegation, the Minister responsible for equal opportunities policy had made a statement indicating that Belgium's priorities were the full and equal participation of women in political, public, economic, social and cultural life and the eradication of all gender-based discrimination.

7. Concerning Belgium's reservations to articles 7 and 15 of the Convention, she noted that the basis for those reservations no longer existed and that as soon as the relevant procedures were completed, the reservations would be withdrawn.

Article 1

8. Responding to questions raised by the Committee with respect to article 1, she noted that exemptions from the principle of equality were based on objective criteria and precise rules formulated as laws following broad consultations with institutional and other partners. Their purpose was to permit certain territorial adaptations in the organization of the principles recognized in the Constitution; the principles themselves could not be changed. Moreover, in order to ensure that the laws enacted for such purposes reflected the wishes of a large part of the population, they must be adopted by a two-thirds majority of each linguistic group in each of the two chambers.

Article 2

9. Concerning the question raised with respect to initiatives to include a specific mention of gender equality in the Constitution, she noted that the guarantees offered by the Belgian Constitution, especially article 11, were genuine. However, if the European Union were to decide, in the context of ongoing discussions on the advisability of including such a reference in the Treaty of the European Union, Belgium might reconsider the advisability of amending its Constitution accordingly.

10. On the issue of de facto equality for women, Belgium was continuing its efforts to bring its legislation into line with the international instruments that it had ratified and to remove any trace of direct or indirect

discrimination from its legislation. However, it realized that de jure equality did not suffice to ensure complete equality in practice. Other factors such as stereotypes distorted decisions and created obstacles. In view of those difficulties, the Government was developing a policy that combined campaigns to eradicate stereotypes in several areas, ranging from the sharing of domestic responsibilities to the role of the media, with the establishment of affirmative action programmes in the public and private sectors.

11. Concerning the opportunity to take legal action in cases of discrimination, the case law thus far developed in the area of equal opportunities mainly concerned rights relating to employment and social security. Recently, there had been an increasing focus on problems of sexual harassment. The number of complaints was growing slowly but steadily. Judges were increasingly using their authority to bring preliminary issues before the Court of Justice of the European Union. Since 1985, the Federal Equal Opportunities Office had been regularly publishing and updating a database on European and Belgian legislation and case law which was disseminated widely to persons working in the judiciary.

12. Concerning legal action actually brought by women on grounds of discrimination, the complex problem of night work was an interesting example which demonstrated the interaction of European Union directives with Belgian legislation. Although night work was prohibited in Belgium for both men and women, there had, until recently, been considerable gender-based differences in the exemptions allowed. Accordingly, action had been brought against Belgium in the European Court of Justice for discrimination in its legislation on night work. Since that was a very important and highly sensitive issue, it had been referred to the National Labour Council, where a partial solution had been found, but negotiations were still under way. Full equality in that area would require accompanying measures on safety, child care and other related matters. Other landmark actions brought had related to maternity leave, sexual harassment, retirement pensions and education.

Article 3

13. With regard to article 3, equal opportunities policy was still being developed in Belgium; because of institutional changes, the machinery for women's rights at the federal, community and regional levels had evolved.

14. At the federal level, the Minister responsible for equal opportunities policy was the Minister for Employment and Labour; prior to 1991, that responsibility had been entrusted to the Secretary of State for Social Emancipation. The change in status was indicative of the increasing importance accorded to equal opportunities policy.

15. At the administrative level, the secretariat of the Commission on the Employment of Women and the administrative unit of the Secretariat of State for Social Emancipation had been replaced by a Federal Equal Opportunities Office within the Ministry of Employment and Labour, headed by an official with the rank of counsellor.

16. As to advisory bodies, the Equal Opportunities Council, formed from the merger of the Commission on the Employment of Women and the Council for

Emancipation in 1993, included representatives of employers and workers from the public and private sectors, ministries, women's organizations, advisory bodies in the field of culture and youth, family organizations, political parties and experts.

17. The non-governmental organizations (NGOs) represented on the Council had been chosen because they were umbrella organizations with a large membership and/or decentralized structure covering the whole of Belgium and were therefore able to reach people at the grass-roots level. NGOs were able to participate in the work of the Council and in groups and committees organized by it. The Council acted as an intermediary between NGOs and the federal Minister responsible for equal opportunities policy. In 1995, the Council's commissions on Europe, social security, division of labour, women and politics, women and the law, women and development, and poverty, had been active. So far, the Council had issued six opinions.

18. The Commission on Domestic Labour had not met for several years, following the establishment of the Equal Opportunities Council, so that in practice there was only one body at the federal level concerned with equal opportunities, which made matters much simpler.

19. The Equal Opportunities Council had an operating budget of about $50,000, excluding personnel and administrative costs; the budget for the equal opportunities programme of the Ministry of Employment and Labour was about $375,000.

20. Mrs. DE WIEST (Belgium), referring to the structures and mechanisms in the Wallonne region and the French-speaking community, said that a resolution had been passed in the Council of the French-speaking community establishing priorities for action. The first priority was parity of representation - that there should be as many women as men everywhere, at all levels; the second was combating all types of exclusion of women; the third was to promote affirmative action in the media, without infringing on the freedom of the press, so that more women would occupy decision-making, programming and production posts. The French-speaking community had initiated the proposal for a symposium on women and the media which had been held at Toronto in 1995 and had made a significant input into the Beijing Platform for Action. The fourth priority was combating all forms of violence against children and women and supporting the initiatives and action of women for peace. The fifth was the promotion of health education for women, including all aspects of family planning. The priorities had been widely publicized in two newsletters entitled Les femmes savent pourquoi.

21. The French-speaking community had established an equal opportunities office responsible for mainstreaming women's concerns, advising women's associations, building partnerships and acting as a resource centre for associations and the general public. Action had been taken to feminize the names of occupations, grades and functions. Within the Economic and Social Council of the Wallonne Region, a regional commission for women had been established which was responsible for issuing legal opinions, proposing action and carrying out information and awareness campaigns.

22. Mrs. FRANKEN (Belgium), referring to action taken within the Flemish-speaking community, said that at the legislative level, the parliament of Flanders included a task force on equal opportunities and emancipation. At the executive level, there was now a Minister responsible for equal opportunities policy, who had established four priorities for the period 1995-1999: to ensure de facto equality and to join in any European programmes that were under way; to carry out research on the structural causes of the feminization of poverty and identify action to remove those causes; to promote the access of women and girls to education and training, employment, health care and the media; and, in the federal administration, to strive to improve women's visibility and conduct a campaign against sexual harassment in the workplace, starting in February 1996. An interdepartmental commission for equal opportunities and emancipation, assisted by an administrative unit, had been established in January 1996 to help implement ministerial policy.

23. At the level of communities, cities and provinces, there were many local emancipation councils entrusted with advisory functions. Private initiatives were also being undertaken by socio-cultural associations.

24. On the question of whether representatives of grass-roots women's groups were included in the Council for Emancipation, she said that the Flemish Minister for equal opportunities planned to focus her policy on women's minorities who had already begun to organize themselves.

25. For 1996, the Minister for Employment and Labour had an equal opportunities budget of 46 million Belgian francs; she also had access to the budgets of six other ministries for the implementation of joint projects.

Article 4

26. Mrs. PATERNOTTRE (Belgium), referring to article 4, said that the affirmative action programmes introduced in Belgium had originated in a European Union directive on affirmative action and were mandated by two royal ordinances, one for the public sector and the other for the private sector. In the public sector, managers had to prepare gender-disaggregated analytical reports of their existing staffing situation and, on the basis of those reports, draw up affirmative action plans defining the type of measures to be taken and the time-frame for their implementation. Those measures would correct past situations and promote the participation of women in all sectors and occupations. It had soon been realized that additional measures would be needed to sensitize managers, especially managers of human resources, and to facilitate the implementation of affirmative action measures. Such additional measures included assistance in the preparation of reports and the organization of training seminars for managers and for employees' representatives.

27. A review of the implementation of the ordinance on the public sector had been carried out in 1994. Because of the difficult economic situation, it had not been possible to implement all the measures envisaged. The review had shown that there was a willingness in the public sector to introduce affirmative action measures, but that women were given permanent appointments less frequently and were less well represented at senior levels, and that boards of examiners tended to be overwhelmingly male.

28. The first category of affirmative action measures involved training, improved access to training, more equitable composition of boards of examiners and the formulation of job offers favouring female candidacies. A second category of measures aimed to improve the climate and conditions in the workplace and included child-care arrangements for working mothers, more flexible working hours and the prevention of sexual harassment. A third category was designed to sensitize the public to the need for affirmative action. At least one third of public bodies had prepared and implemented affirmative action plans; the proportion was 50 per cent at the higher levels of government but considerably lower at the local level.

29. Action in the private sector included pilot programmes in individual companies and broader-based attempts to convince the private sector as a whole of the need to effect change. Awareness of the need for improvements had been reflected in a number of collective agreements. The Ministry of Employment and Labour monitored firms' efforts; whenever a company requested State aid in restructuring, it was required to report on its affirmative action policies. Private employers could thus be compelled to act if and when they needed the Government's help and, as a result, women were no longer inevitably the first victims of restructuring.

30. Mrs. DE WIEST (Belgium) said that the Community and Regional Office for Vocational Training and Employment (FOREM) was the agency responsible for job training and placement. Since 1991, its activities had been founded on the principle of equal opportunity and it had undertaken studies to establish the extent of gender disparities in the workplace and an awareness campaign to sensitize the administration to the problem. It had also studied the nature of demand in the workplace in an effort to better match unemployed women with available jobs and had set up public child-care programmes for women who were looking for employment.

31. Mrs. FRANKEN (Belgium) said that the Flemish government's appeal against the royal ordinance on affirmative action was still pending. The Flemish authorities had initiated affirmative action by appointing a woman official to coordinate affirmative action programmes with the administration. While 36 per cent of Flemish civil servants were women, they were still underrepresented at the middle and upper management levels. The results of the awareness campaign had been disappointing, probably because there were no sanctions for non-compliance. The affirmative action official had organized training programmes for women working in the administration and had introduced day-care programmes and awareness training. In March 1994, the government of the Flemish region had adopted a decree encouraging reintegration in the workforce through redeployment and training. Since unemployment figures were higher for women, it was expected that they would be the primary beneficiaries of the new decree.

Article 5

32. Mrs. PATERNOTTRE (Belgium) said that the Government's first task had been to gather data on the incidence of violence against women. As a result of national awareness campaigns over the past 10 years, the problem was no longer a taboo subject and women were daring to speak out and seek help. The federal

Government had compiled the addresses of all services capable of assisting women and children who suffered from domestic violence. The resulting set of documents was classified by province and was distributed to anyone to whom a victim might turn for help. The new law on rape included a wider definition of rape and new guidelines aimed at avoiding secondary victimization by the authorities had been distributed to the police, health professionals and members of the judiciary. Confidential medical reports on victims of domestic violence were kept by doctors, with a copy distributed to the victim, so that a complaint could be filed even after the fact. An awareness campaign had been launched to instruct the police in the identification of probable victims of domestic violence, and care was taken to ensure that victims did not have to repeat their story on numerous occasions. The Government had also established awareness campaigns aimed at judges, a project for coordination at the provincial level, and a pilot programme to prevent recidivism by providing therapy to those found guilty of domestic violence; the programme was available to prison inmates but, in many cases, it made it possible for perpetrators to avoid incarceration. Its results would be evaluated in 1996 to see whether it should be offered throughout the country.

33. With regard to harassment in the workplace, the relevant royal ordinance stipulated that a victim's liaison officer must be designated in each enterprise and the penalties for harassment and procedures for dealing with it must be clearly stipulated in the staff regulations.

34. Mrs. DE WIEST (Belgium) said that the French-speaking community had an extensive network of subsidized mental health, medical and day centres for adults in difficulties. Organizations which assisted victims of violence were well funded, reflecting widespread public awareness of the need for their services. All of the French television channels had adopted the new code of ethics on violence in the media, which stipulated that programmes belittling women constituted moral violence.

35. Mrs. PATERNOTTRE (Belgium) said that a brochure had been issued providing the media with a list of women who could be consulted as specialists or as subjects for interviews.

Article 6

36. Mrs. PATERNOTTRE (Belgium) said that Belgian society had traditionally tolerated a certain level of prostitution but that, in the 1980s, a phenomenon had developed which amounted to a genuine traffic in persons. An incident which had caused particular public outrage had prompted the establishment of a parliamentary commission of inquiry to determine whether new legislation was required.

37. Mrs. DE WIEST (Belgium) said that she had served as a consultant to the parliamentary commission and that the approach taken had included confidential interviews with witnesses. The commission's recommendations had later been translated into law. Various aspects of the problem had been considered, including traffic in foreign nationals; traffic in adults, including consenting adults, for purposes of prostitution; traffic in minors and child pornography, with particular emphasis on the Guide Spartacus, a world-wide guide for

paedophiles published in Belgium; and the criminalization of sex tourism engaged in by Belgian citizens travelling abroad.

Article 7

38. Mrs. PATERNOTTRE (Belgium) said that women and men had equal civil and political rights and access to public office but that, in practice, women were seriously underrepresented. A new law, scheduled to take effect in January 1999, stipulated that no more than two thirds of the candidates on an electoral list could be of the same sex. As a transitional measure, a maximum of three quarters had been set for the October 1994 elections; a minimum of 25 per cent participation by either sex was already in force for elections to the European Parliament. At the last elections held before the institution of the new measures, it had been noted that even though the law was not yet in force, all of the political parties had observed its provisions in drawing up their lists of candidates, a fact which demonstrated that they feared a possible backlash from women if they did not do so. As a result, the number of women elected at all levels had increased significantly and it was hoped that their numbers would soon reach the critical threshold that would allow them to have a real influence on political decision-making.

39. Much thought had been given to possible equal opportunity measures at the local government level and a number of pilot projects had been launched. It had been found useful to first appoint a local official in each commune to be responsible for such matters, and it was hoped that the existence of a network of such officials would have a snowball effect at the national level. Efforts were also being made to strengthen the role of women on advisory bodies in such areas as industrial relations, but in the absence of any legally enforceable obligation, there was a tendency for those efforts to be ignored in some areas. In the context of the follow-up to the Beijing Conference, however, she hoped that the Government would take steps to improve the situation. There were also very few women in influential positions in the trade union movement.

Article 8

40. The number of women in the diplomatic service was still very low (12 per cent of the total), although the situation was improving. The number of women in senior positions in the Government and the civil service was still modest and as a result few women were representing the country in international forums. However, those women who were present at the lower levels would in due course move up to more senior positions, which would improve the statistics.

Article 9

41. Referring to issues of nationality, she said that any child born in Belgium who, at any point, before reaching 18 years of age, would otherwise be stateless was deemed to have Belgian nationality; there were also special new provisions enabling the children of foreign parents residing habitually in Belgium to opt for Belgian nationality at age 18 under certain circumstances.

Article 10

42. Mrs. FRANKEN (Belgium) said that in the Flemish community, an experimental project had been launched in 1992 to diversify the choices made by girls as to their fields of study by providing them with counselling and encouraging them to opt for technical courses. It was hoped that the resulting changes would remain in place in the educational system once the project ended. Of course, cultural change did not take place overnight and it was not yet possible to evaluate the results.

43. On the subject of education for ethnic minorities, extrabudgetary resources had been made available in the Flemish region to meet the special needs of immigrant children, emphasizing integration and remedial teaching. The equal opportunities policy also benefited such groups. Two special projects had been launched, one to provide additional training for immigrants working as nursery school assistants and one enabling young people who were being trained as intercultural mediators to obtain a certificate of higher secondary education by taking an optional course in alternative education.

44. Mrs. DE WIEST (Belgium) said that detailed information and statistics on education in the French-speaking community were contained in the supplementary document which was being distributed to the members of the Committee. On the whole, girls were more successful at school than boys, but had more difficulty when it came to entering the labour market.

45. There was a regrettable and increasing preponderance of women teachers at the nursery school and primary school levels; teachers' salaries were also lower at those levels. The majority of students successfully completing secondary education were girls; however, despite campaigns to encourage greater diversification, girls still tended to choose traditionally "female" courses. There had been a significant increase in the number of girls entering higher education although, there too, women tended to opt for "female" areas of study, such as the arts and social sciences and teaching. They had reached parity with men in law schools, a development which was encouraging for the future enforcement of women's rights. There were also more and more women studying medicine, but that did not necessarily offer them secure career prospects as there was said to be a surplus of doctors in Belgium.

46. Single-sex schools no longer existed in the French-speaking community. However, girls were having to contend with male-oriented attitudes and prejudices and had to make greater efforts than boys in order to achieve a certain level of academic recognition.

Article 11

47. Mrs. PATERNOTTRE (Belgium) said that the reports before the Committee and the supplement which was being distributed contained all the necessary statistics on employment. Equality in employment was guaranteed in Belgium by European Union directives and national legislation and by the fact that the country had ratified the relevant international agreements. A number of difficulties remained in achieving equal pay for work of equal value; traditionally female jobs still tended to be undervalued. A campaign was being

prepared to increase awareness in both employers' and employees' organizations of the need for non-discriminatory job classifications.

48. Part-time work was an increasingly widespread phenomenon and 90 per cent of part-time positions were currently held by women. That was partly due to stereotyped attitudes towards family responsibilities. Special measures had been taken to assist women entering the labour market after an absence of several years for family reasons; such measures included training and career counselling.

49. The duration of maternity leave in Belgium was 15 weeks, including a minimum of one week before the birth and eight weeks afterwards. It had recently been decided that, in the event of the death of the mother, the father could take the remaining weeks as parental leave. There were also special measures for the protection of pregnant women whose work involved contact with dangerous substances.

Article 12

50. The Belgian health insurance system was contributory but State-subsidized and covered health care, sickness benefit and maternity benefit. Only 2 per cent of the population were not covered; in such cases, coverage could be provided through social assistance centres.

51. The cost of in vitro fertilization was not specifically provided for, but laboratory costs in such cases were covered. Preventive care was widespread in both the French-speaking and Flemish communities; further details were provided in the supplement being circulated to the Committee.

52. Despite great difficulties in reconciling the views of those who advocated protection of the unborn child and those who supported a woman's right to choose, a law decriminalizing abortion had been adopted in 1990. The new law gave pregnant women the right to terminate a pregnancy; it was very important to note that the woman herself took the decision. Abortion beyond the twelfth week after conception was permitted only if the mother's life was in danger, however, or if it was clear that the child would be born with a major, incurable handicap or deformity. The law also provided for preventive measures in the form of family planning information. Fifty per cent of women undergoing abortions were between 20 and 29 years of age. Contrary to the fears expressed in some quarters, there was no evidence that the new law was leading to the use of abortion as a habitual method of contraception.

Article 13

53. Financial institutions were obliged to give credit to women and men on an equal basis. No centralized information was available on the provision of loans to set up businesses. There was no gender discrimination in the provision of financial assistance to businesses.

54. Mrs. DE WIEST (Belgium), referring to media coverage of women's sports, said that women in the French-speaking community generally participated in

non-competitive sports for physical fitness purposes. The activities involved were not of great media interest.

The meeting rose at 12.55 p.m.